

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHILL N GO LIQUOR, et al.,

Case No. 1:20-cv-01497 NONE SKO

Plaintiffs,

**ORDER DENYING WITHOUT
PREJUDICE STIPULATED
PROTECTIVE ORDER**

V.

UNITED STATES OF AMERICA,

(Doc. 28)

Defendant.

I INTRODUCTION

14 On November 30, 2021, the parties filed a request seeking Court approval of their
15 “Stipulation for Protective Order.” (Doc. 28.) The Court has reviewed the proposed stipulated
16 protective order and has determined that, in its current form, it cannot be granted. For the reasons
17 set forth below, the Court DENIES *without prejudice* the parties’ request to approve the stipulated
18 protective order.

II. DISCUSSION

20 A. The Protective Order Does Not Comply with Local Rule 141.1(c)

21 The proposed protective order does not comply with Rule 141.1 of the Local Rules of the
22 United States District Court, Eastern District of California. Pursuant to Rule 141.1(c), any proposed
23 protective order submitted by the parties must contain the following provisions:

24 (1) A description of the types of information eligible for protection under the
25 order, with the description provided in general terms sufficient to reveal the
26 nature of the information (e.g., customer list, formula for soda, diary of a
27 troubled child);
28 (2) A showing of particularized need for protection as to each category of
29 information proposed to be covered by the order; and
30 (3) A showing as to why the need for protection should be addressed by a court

order, as opposed to a private agreement between or among the parties.

Local Rule 141.1(c).

The proposed protective order includes four categories of “protected information for production” (i.e., SNAP household information, Food and Nutrition Services & ALERT operational information, comparison store information, Plaintiff’s business, financial, and tax records) (*see Doc. 28 at 3–4*), but the proposed order also defines confidential information as:

Any production of information produced by any party, or any third party (such as a State Agency) to this litigation, shall have the right to be designated as "Confidential Information" if any portion of that document, testimony, discovery response, or thing ("Material"): (a) contains trade secrets, competitively sensitive financial, sales or other confidential business information; (b) contains private or confidential personal information; (c) contains information received in confidence from third-parties; or (d) which the producing party otherwise believes in good faith should be entitled to protection under state or federal law.

(*Id.* at 1-2.)

With its inclusion of a broad definition of “confidential information,” the proposed protective order fails to comply with Local Rule 141.1(c)(1), which requires “[a] description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information.” Indeed, although the parties include categorizations of protected information, the section identifying the categories includes the statement that “[t]hese categorizations and identification of potential production shall not be read to waive any objections to production the parties may otherwise have” (Doc. 28 at 3), which suggests that information eligible for protection is not limited to those categories. Accordingly, the proposed protective order does not sufficiently identify the types of information eligible for protection.

B. The Parties' Stipulated Protective Order is Denied Without Prejudice

The parties may re-file a revised proposed stipulated protective order that complies with Local Rule 141.1(c) and corrects the deficiency set forth in this order.

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III. CONCLUSION AND ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the parties' request for approval of the stipulated protective order (Doc. 28) is DENIED without prejudice to renewing the request.

IT IS SO ORDERED.

Dated: December 1, 2021

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE